

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS**

RONNIE BRASHIER,

Plaintiff

V

PORTFOLIO RECOVERY ASSOCIATES,
LLC,

Defendant

Case No.: 11-557

RULE 26(f) REPORT

1. A factual and legal description of the case that sets forth the elements of each cause of action and each defense:

Plaintiff, Ronnie Brashier:

Within the one year period prior to the filing of this Complaint, Defendant placed numerous harassing telephone calls to Plaintiff's home telephone in connection with the collection of an alleged consumer debt. The harassing and frequent telephone calls derived from numbers including, but not limited to (757) 961-3544, (443) 313-1382 and (800) 772-1413. The undersigned has confirmed that these numbers belong to Defendant. Often times Defendant's representatives called Plaintiff up to three (3) times per day, demanding payment of the alleged debt. Defendant often called Plaintiff in excess of twenty (20) times per month. On several occasions, from April until August, 2011 Defendant's representatives placed harassing calls to Plaintiff's home telephone after 9:00 pm. In or around April, 2011, a representative of Defendant called Plaintiff's home telephone and spoke to Plaintiff's wife, and began making invasive inquiries about her personal finances and suggested that she must make payment on Plaintiff's alleged debt. Plaintiff and his wife found Defendant's inquiries and suggestions to be overly personal

and inappropriate. Defendant took the actions described herein with the intent to harass, abuse, upset, and coerce Plaintiff into paying the alleged debt.

In its actions to collect a disputed debt, Defendant violated the FDCPA in one or more of the following ways: harassing, oppressing or abusing Plaintiff in connection with the collection of a debt, by calling Plaintiff repetitively, in violation of 15 U.S.C. §1692d; causing Plaintiff's telephone to ring repeatedly or continuously with the intent to harass, annoy or abuse Plaintiff, in violation of 15 U.S.C. §1692d(5); using unfair or unconscionable means to collect or attempt to collect any debt, in violation of 15 U.S.C. §1692f; and by acting in an otherwise deceptive, unfair and unconscionable manner and failing to comply with the FDCPA.

Defendant, Portfolio Recovery Associates, LLC:

Defendant admits that it called Plaintiff but denies that those calls were harassing. Otherwise, Defendant denies Plaintiff's allegations in this case.

2. The date the Rule 26(f) conference was held, the names of those persons who attended, and the parties they represented:

Plaintiff's counsel, Amy L. Bennecoff, and Defendant's counsel, Keith Wier, held a Rule 26(f) Conference on February 24, 2012.

3. A list of any cases related to this case pending in any state or federal court, identifying the case numbers and courts along with an explanation of the status of those cases:

There are no cases related to this matter pending in state or federal court.

4. An agreed discovery/case management plan, if agreement can be reached, which will be used by the court to prepare a Scheduling Order (a sample Scheduling Order form is attached). The parties are encouraged to submit a completed Scheduling Order with their joint conference report, including proposed deadlines for the following:

- a. Joining additional parties: **May 16, 2012**
- b. Filing amended pleadings: **May 16, 2012**
- c. Disclosing expert testimony pursuant to FED. R. CIV. P. 26(a)(2) and Local Rule CV-26(b): **June 18, 2012**
- d. Completing all discovery: **August 7, 2012**
- e. Filing motions, including motions to transfer, to remand, to exclude or limit expert testimony, to dismiss, and for summary judgment: **October 8, 2012**
- f. Filing of Joint Pretrial Order: **January 4, 2013**
- g. Objections to Proposed exhibits, witnesses, and deposition excerpts: **January 11, 2013**

5. A suggested date for the Final Status Conference (see attached list of the court's available Final Status Conference dates), at which time the final pretrial conference and the trial will be scheduled: **February 1, 2013**

6. The expected length of trial and whether it will be to a jury or the bench:

The parties expect the trial to take 2 days. The parties request a jury trial.

7. Whether the parties jointly consent to trial before a magistrate judge:

The parties do not consent to a trial before a magistrate judge.

8. Whether the parties request a conference with the court pursuant to FED. R. CIV.

P. 16(b) before entry of the Scheduling Order.

The parties do not request a conference pursuant to FED. R. CIV. P. 16(b).

/s/ Amy L. Bennecoff

Amy L. Bennecoff
Kimmel & Silverman, P.C
30 E. Butler Pike
Ambler, PA 19335
Phone: (215) 540-8888
Facsimile: (877) 788-2864
Email: abennecoff@creditlaw.com
Attorney for Plaintiff

Date: February 24, 2012

/s/ William Keith Wier

William Keith Wier
Bush & Ramirez, LLC
5615 Kirby Drive, Suite 900
Houston, TX 77005
Phone: (713) 626-1555
Facsimile: (713) 622-8077
Email: kwier@bushramirez.com
Attorney for Defendant

Date: February 24, 2012